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## **Attorneys for Plaintiffs**

**UNITED STATES DISTRICT COURT**

## **Southern District of California**

## SAN DIEGO MINUTEMEN, An Unincorporated Association,

Plaintiff,

CALIFORNIA BUSINESS,  
TRANSPORTATION AND HOUSING  
AGENCY'S DEPARTMENT OF  
TRANSPORTATION; DALE BONNER  
in his Official Capacity as Agency  
Director, Business, Transportation and  
Housing Agency; WILL KEMPTON in  
his Official Capacity as CalTrans  
Director; PEDRO ORSO-DELGADO in  
his Official Capacity as Caltrans District  
Director and DOES 1 through 50.

## Defendants.

Case Number: 08 CV 0210 WQH RBB

**PLAINTIFF'S NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY INJUNCTION**

**Hearing Date:** To be Set by Court  
**Hearing Time:** To be Set by Court  
**Court:** Courtroom 4

TO THE PARTIES AND THEIR RESPECTIVE COUNSEL HEREIN:

NOTICE IS HEREBY GIVEN THAT on \_\_\_\_\_ at \_\_\_\_\_, or  
as soon thereafter as counsel may be heard by the above-entitled Court, located at 940 Front  
Street, San Diego, California, in the courtroom of the Hon. William Q. Hayes, Plaintiff will  
and hereby does move the Court for a preliminary injunction against Defendants, and each

1 of them, which, pending this Court's final determination of the claims asserted by Plaintiff herein:

- 2 1. Requires Defendants to restore the encroachment permit No. 11-07NAH0586 granted  
3 to Plaintiff for Location ND 5: SD66.3-SD68.3 (freeway section) in all respects as  
4 originally issued; and  
5 2. Re-erect the Adopt-a-Highway sign bearing the name of plaintiff SAN DIEGO  
6 MINUTEMEN at that location.

7  
8 This motion is brought on the grounds that Plaintiff is entitled to the injunctive relief  
9 requested herein because Plaintiff has a strong likelihood of success on the merits and will suffer  
10 irreparable injury absent such relief. Further, serious questions are raised and the balance of  
11 hardships tips sharply in favor of Plaintiff.

12  
13 This motion is based on the instant motion, the accompanying Memorandum of Points  
14 and Authorities, the Declaration of Jeff Schwilk previously filed herein [Doc. #2, Attachment  
15 #1], the pleadings and papers on file herein, and upon such other matters as may be presented  
16 to the Court in writing or at the time of the hearing hereon.

17  
18 DATED: February 25, 2008

19  
20  
21 /s/ Lowell Robert Fuselier \_\_\_\_\_  
22 Lowell Robert Fuselier  
23 Kaloogian & Fuselier, LLP  
24 Attorneys for Plaintiff,  
25 SAN DIEGO MINUTEMEN  
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